



# Legislative Update FY16

## NDA 800 Series - Acquisition



FY16 NDA Section Title	§	Summary
Tenure and Accountability of Program Managers (Up to Milestone B)	826	SecDef revise guidance on PM tenure for entire program definition period (with SecDef waiver authority)
Tenure and Accountability of Program Managers (Post Milestone B)	827	SecDef revise guidance on PM tenure for entire program execution period (with immediate supervisor waiver authority)
Amendments to the Department of Defense Acquisition Workforce Development Fund	841	<ul style="list-style-type: none"><li>• Makes DAWDF Permanent at \$500M level, expands use of expired funds, extends report to 31 January</li><li>• Makes EHA permanent</li><li>• Requires strategic planning for contractor workforce and</li><li>• Requires DoD address new or expanded critical skills and competencies for the AWF</li></ul>
Dual-Track Military Professionals in Operational and Acquisition Specialties	842	Adds wording that policy will provide for a "single track" career path and "dual track" career path. A service may use a single acquisition track career path; or a Service may want to use a dual track approach similar to the Navy and Army.
Provision of Joint Duty Assignment Credit for Acquisition Duty	843	Allows acquisition assignments to count as Joint Duty Assignments
Mandatory Requirement for Training Related to the Conduct of Market Research	844	Mandates market research training on commercial items for DoD military and civilians who conduct market research. Mandates that requirements certification training include training on market research.
Independent Study of Implementation of AWF Improvement Efforts	845	Independent study of efforts to improve the AWF.
Extension of Authority for the Civilian Acquisition Workforce Personnel Demonstration Project (AcqDemo)	846	Extends DoD AcqDemo authority to December 31, 2020.



# Legislative Update FY16

## NDA Series - Personnel



FY16 NDAA Section Title	§	Summary
Procedures for RIF of DoD Civilian Personnel	1101	RIFs should be based primarily on performance
Modification of Temporary Authorities for Certain Positions at DoD Research and Engineering Facilities	1104	Expands STRL authority - increased authority to non-competitively make permanent appointments for students
Required Probationary Period for New DoD Employees	1105	Extends probationary period to two years
Delay of Periodic Step Increase for Civilian employees of the DoD based upon unacceptable performance	1106	The period of time for which an employee's performance is not an acceptable level of competence shall not count towards the time period for step increases
Pilot Program on Dynamic Shaping of the Workforce to Improve the Technical Skills and Expertise at Certain DoD Laboratories	1109	Provides STRL directors special renewable term hiring authority; authority to reemploy annuitants; and early retirement incentives and separation incentive pay authorities
Pilot Program on Temporary Exchange of Financial Management and Acquisition Personnel	1110	Exchange program (3 month to 1 year) for mid-career DoD and "non-traditional" defense contractor employees. "Non-traditional" defense contractors means the company has not been under contract (generally) with DoD for one year.
Pilot Program on Enhanced Pay Authorities for Certain Acquisition and Technology Positions in DoD	1111	OSD and Services can each hire total of five people at 150% of basic pay. Hires must be for terms less than five years. Authority continues through FY20.
Pilot Program on Direct Hire Authority for Veteran Technical Experts into the AWF	1112	<ul style="list-style-type: none"><li>• Provides SecDef authority through SAEs to appoint (direct hire authority) qualified technical veterans to STEM and technician positions in the acquisition workforce.</li><li>• Limited to 1% of the STEM, including technician, positions of the Military Department's acquisition workforce that are filled as of the close of the fiscal year last ending before the start of such calendar year.</li><li>• This authority continues through FY2020.</li></ul>
Direct Hire Authority for Technical Experts into the AWF	1113	<ul style="list-style-type: none"><li>• Provides Service Secretaries STEM direct hire authority for hires into the acquisition workforce.</li><li>• Limited to 5% of the science and engineering positions of the acquisition workforce in the Military Department that are filled as of the close of the fiscal year last ending before the start of such calendar year.</li><li>• This authority continues through FY2020.</li></ul>

# Backup



# **FY16 NDAA**

- **Sec. 1104 - Modification of Temporary Authorities for Certain Positions at DoD Research and Engineering Facilities**
  - **Section Intent**
    - Expands STRL authority -This provision allows a laboratory to noncompetitively convert a student appointed to a temporary appointment (upon graduation) to a permanent appointment.
    - Increases the limit on the number of appointments allowable in a calendar year



# **FY16 NDAA**

- **Sec. 1109 - Pilot Program on Dynamic Shaping of the Workforce to Improve the Technical Skills and Expertise at Certain DoD Labs**
  - **Section Intent**
    - **This provision allows lab directors greater flexibility to shape the lab workforce. This includes:**
      - **flexible length and renewable term technical appointments; providing benefits for these appointees similar to existing Lab employees; extending these appointments up to six years; employing annuitants; early retirement incentives; and separation incentive pay. These authorities would continue through FY 2023.**

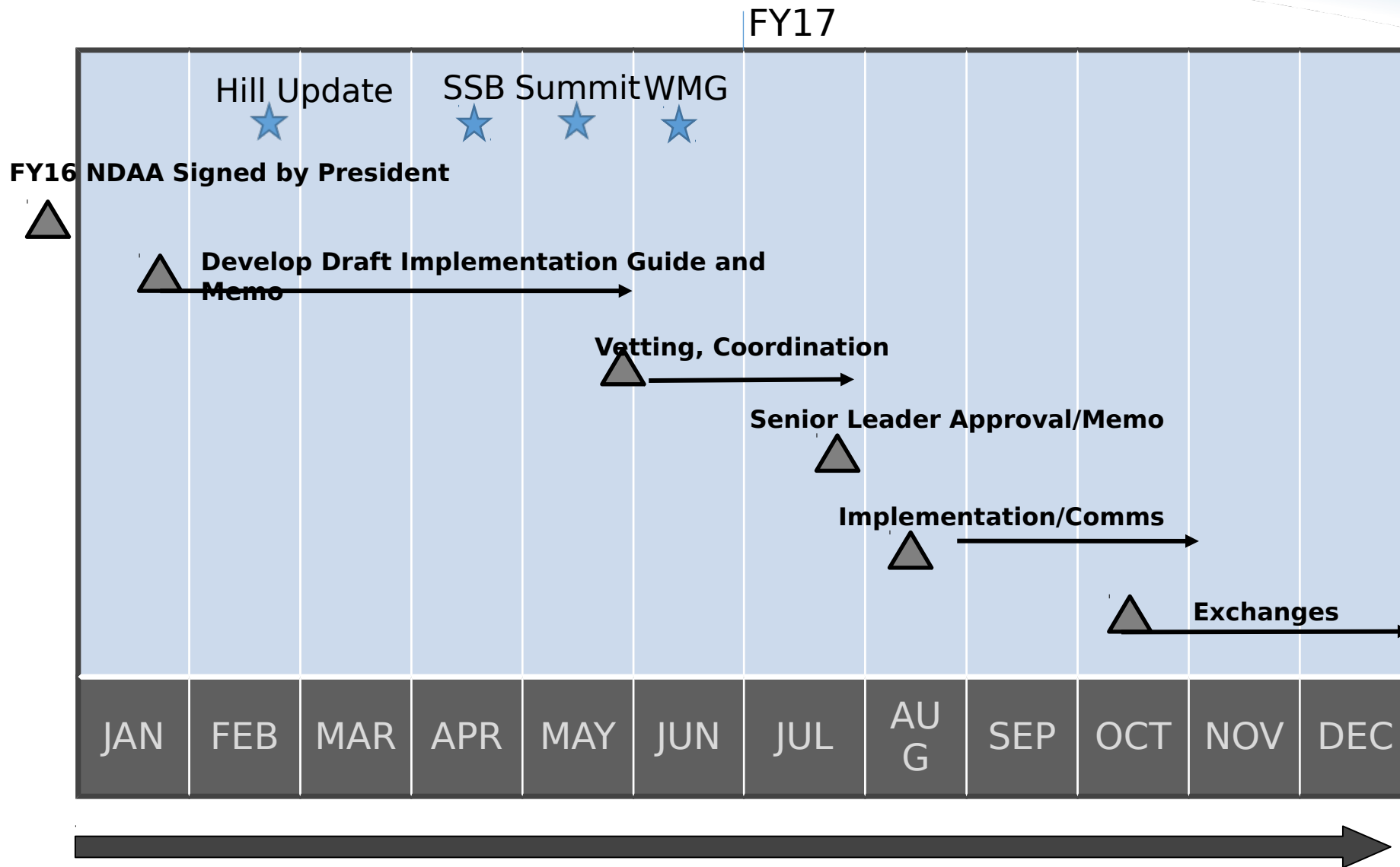


# FY16 NDAA

- **Sec. 1110 - Pilot Program on Temporary Exchange of Financial Management and Acquisition Personnel**
  - **Section Intent**
    - Relates to Force of the Future initiative to improve permeability, which AT&L strongly supports
    - Sec 1110 improves permeability (exchange) of employees between DoD and private sector; helps DoD with improved ability to leverage private sector innovation and experience
    - DoD has FY17 legislative proposal (#202) at the Hill to broaden exchange beyond non-traditional defense contractors
  - **Sec 1110 details**
    - Exchange program (3 month to 1 year) that would allow mid-career DoD Comptroller and Acquisition employees to go on exchange assignment to “non-traditional” defense contractors (e.g., Google); and, would allow employees of “non-traditional” defense contractors to go on exchange assignment to DoD
  - **Implementation**
    - AT&L partnering with Comptroller and DoD CIO to leverage existing/similar CIO ITEP exchange program – Initial Strawman Version 1.0 Strawman Implementation Guide developed based on CIO ITEP guide
    - Implementation Schedule and Next Steps – vetting with WMG and P&R partners



# FY16 NDAA Sec 1110 Exchange Program Implementation Schedule







# FY16 NDAA

- **Sec. 1111: Pilot Program on Enhanced Pay Authorities for Certain Acquisition and Technology Positions in DoD**
  - **Section Intent**
    - OSD and Services can hire total of 5 people at 150% of basic pay.
    - Allows DoD to compete with private sector for critical talent and also to compete to retain high performers on major programs. Supports Force of the Future objective to attract/hire critical private sector talent
    - Congress is concerned that in some cases the DoD cannot competitively compensate the senior-level government program managers and engineers required for the government to oversee MDAPs.
  - **Section 1111 details**
    - Term of positions
      - May be used only for positions having terms less than 5 years
    - Approval Required:
      - Approval of the USD(AT&L), in the case of OSD positions. SAE approval in the case of positions in a military department
    - The positions described are positions that:
      - Require expertise of an extremely high level in a scientific, technical, professional, or acquisition management field; and
      - Are critical to the successful accomplishment of an important acquisition or technology development mission
    - Rate of Basic Pay
      - Authority to fix the rate of basic pay for a position at a rate not to exceed 150% of basic pay for level I of the Executive Schedule
    - The authority may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions
    - Authority will terminate October 1, 2020
  - **Implementation**





# FY16 NDAA

- **Sec. 1112: Pilot Program on Direct Hire Authority for Veterans Technical Experts into the Defense Acquisition Workforce**

- **Section Intent**

- Provides SECDEF authority through the Service Acquisition Executives (SAEs) to appoint (direct hire authority) qualified technical veterans to STEM and technician positions in the acquisition workforce
    - Increased flexibility for DoD to hire critical STEM talent
    - Congress is concerned that in some cases the DoD cannot competitively compensate the senior-level government program managers and engineers required for the government to oversee MDAPs.

- **Section 1112 details**

- Limited to 1% of the STEM positions of the Military Department's acquisition workforce that are filled as of the close of the fiscal year
    - Appointments under this authority may not be made after November 22, 2020

- **Implementation**

- P&R implementation guidance drafted and under review
    - From Conference Report. SECDEF to provide a report to the congressional defense committee on the use of this authority NLT than 2 years after the date of enactment of the Act (November 22, 2017)
    - AT&L ideas discussion - what STRL unique authorities could be extended to remainder of AWF critical functions



# FY16 NDAA

- **Sec. 1113: Direct Hire Authority for Technical Experts into the Defense Acquisition Workforce**
  - **Section Intent**
    - Provides SAEs STEM direct hire authority for hires into the acquisition workforce.
    - Increased flexibility for DoD to hire critical STEM talent
  - **Section 1113 details**
    - Limited to 5% of the STEM positions of the Military Department's acquisition workforce that are filled as of the close of the fiscal year
    - Qualified candidates are defined as individuals who:
      - Possess a bachelor's or advanced degree from an accredited college or university in the field of science or engineering related to the position to be filled
    - Any appointment under this section is to be treated as an appointment on a full-time equivalent basis, unless the appointment is made on a term or temporary basis
    - Appointments under this authority may not be made after December 31, 2020
  - **Implementation**
    - P&R implementation guidance drafted and under review
    - AT&L ideas discussion – what STRL unique authorities could be extended to remainder of AWF critical functions



# Backup2



# FY16 NDAA Sec 1110 Details

- **FY16 NDAA specifies that no more than 10 employees (5 Comptroller and 5 acquisition personnel) may participate in any given time.**
- **Eligibility**
  - **DoD Employee** - The program is open to DoD civilian employees (GS-11 and above (or equivalent)) who are working in the financial management and acquisition fields, and who are considered to be high-performing employees expected to assume increased financial management and acquisition responsibilities in the future.
  - **Private sector employee** - A private sector employee wishing to participate must already be working in the financial management and acquisition field; be equivalent to a GS-11 or above; be considered a high-performing employee, expected to assume increased financial management and/or acquisition responsibilities in the future; and be currently employed by an organization.
    - Exceptional employee means performance meets or exceeds all standards established at the fully successful level or above and makes significant contributions towards achieving the organizational goals. The employee must also be a U.S. citizen and may be required to hold a security clearance, depending on the nature of the detail. The sponsoring DoD Component (receiving the private sector employee) is responsible for determining the appropriate level of clearance.



# ***FY16 NDAA Sec 1110 Details cont'd***

- **Non-traditional Defense Contractors**

- For purposes of this program, “non-traditional defense contractor’s” are defined as an entity that is not currently performing and has not performed, for at least a one-year period procurement with DoD (10 USC 2302(9)).

- **Payment of Salary and Allowances:**

- The lending organization has full responsibility for payment of all salary and allowances to their employees participating in the exchange. Training and travel expenses for members of the FM workforce will be paid by OUSD(C). Training and travel expenses for members of the defense acquisition workforce may be paid for with DAWDF.

- **Website**

- Details still in the work, considering streamlining ITEP website to also include a portal to apply to this exchange program



# **FY17 Legislative Proposal - Exchange Program (#202)**

- Allows DoD employees to gain experience at private companies and bring industry leaders into DoD, providing a public-private exchange of knowledge and talent that is currently underdeveloped.
- The exchanges with private sector would not be limited only to companies with traditional, defense-based mission, but also to those where DoD employees could gain skills that align with functional communities or occupational specialties.
  - i.e. a computer engineer doing an assignment at Google to train in user experience; budget analyst going to PwC to learn about auditing; or a supervisor learning organizational management and leadership development approaches at GE.
- This exchange will build on the success of programs like the Intergovernmental Personnel Act (IPA) and the Information Technology Exchange Program (ITEP).
  - Private companies cannot be included in IPAs and ITEP is exclusively for IT workers. This program would be available as another tool for any DoD office with a need to bring temporary expertise from the private